REMARKS

This is a full and timely response to the final Office Action mailed on November 22, 2004 (Paper No./Mail Date 20041029). Claims 1-27 are pending in the present Application. Reconsideration and allowance of the Application and presently pending claims are respectfully requested in view of the foregoing remarks. The Applicants should not be presumed to agree with any statements made by the Examiner regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by the Applicants.

I. Response To Claim Rejections Under 35 U.S.C. §103

Claims 1, 3, 5-9 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,874,985 to *Matthews*, III in view of U.S. Patent No. 5,559,549 to *Hendricks*. Claim 10 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews* and *Hendricks* as applied to claim 1, and further in view of U.S. Patent No. 5,850,218 to *Lajoie*. Claim 17 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Matthews* as applied to claim 13, and further in view of *Lajoie*. Claim 12 stands rejected under 35 U.S.C. §103(a) over *Matthews* and *Hendricks* as applied to claim 1, and further in view of U.S. Patent No. 5,931,905 to *Hashimoto, et al.* Claim 19 stands rejected under 35 U.S.C. §103(a) over *Matthews* as applied to claim 13, and further in view of *Hashimoto*.

Claim 4 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews* and *Hendricks* as applied to claim 1, and further in view of U.S. Patent Application No. 2003/0115600 to *Tanaka*. Claim 14 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews* as applied to claim 13, and further in view of *Tanaka*. Claim 2 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews* and *Hendricks* as applied to claim 1, and further in view of U.S. Patent No. 5,781,186 to *Jennings*. Claims 15 and 22 stand rejected under U.S.C. §103(a) as being unpatentable over *Matthews* as applied to claims 13 and 20, and further in view of *Jennings*. Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of *Hendricks* and U.S. Patent No. 6,020,980 to *Freeman*.

Claim 27 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews*, *Freeman* and *Hendricks* as applied to claim 25, and further in view of *Jennings*. Claim 23 stands rejected as being unpatentable under U.S.C. §103(a) in view of *Matthews* as applied to claim 20

above, and further in view of *Freeman*. The Applicants respectfully traverse this rejection for the reasons that follow.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

A. Claim 1

Claim 1, as amended, recites:

> A method for providing customizable multimedia messages over a television system to a communications terminal for presentation to a user, comprising:
>
> creating at least one message configuration by an application server;
>
> ***sending the at least one message configuration from the application server to the communication terminal;***
>
> ***receiving the at least one message configuration at the communication terminal at a first clock time;***
>
> responsive to receiving the at least one message configuration at the first clock time, storing the at least one message configuration at the communication terminal;
>
> creating a first message activation request for presenting a first message content to a user according to the at least one message configuration, wherein the first message activation request includes a message content expression and an identification of the at least one message configuration; and
>
> ***at a second clock time after the first clock time sending the first message activation request from the application server to the communications terminal over the television system.***

(Emphasis Added)

As an initial matter, the Applicants have amended claim 1 to include the subject matter similar to previous dependent claim 5. Amended claim 1 now includes the elements of "sending the at least one message configuration from the application server to the communication terminal; receiving the at least one message configuration at the communication terminal at a first clock time; ... at a second clock time after the first clock time sending the first message activation request from the application server to the communications terminal over the television

system." The Office Action alleges "as to claim 5, [that] *Matthews* and *Hendricks* disclose delivering the message configuration to the communications terminal prior to the step of sending the request (see *Matthews* at Fig. 2; column 5, lines 60-67 and column 6, lines 44-47)."

In fact, *Matthews* apparently discloses that "Process block 118 indicates that interactive station controller 20 of selected viewer station 16 identifies an application message signal, accepts it, and in response to it retrieves the corresponding message image format." (Emphasis Added, See *Matthews* in col. 6, lines 43-47). In addition, the Applicants would like to point out that *Hendricks* was not used to address the above-quoted elements of claim 1. Consequently, the Applicants respectfully submit that *Matthews* and *Hendricks*, both individually and in combination, do not disclose, teach or suggest the elements of "sending the at least one message configuration from the application server to the communication terminal; receiving the at least one message configuration at the communication terminal at a first clock time; ... at a second clock time after the first clock time sending the first message activation request from the application server to the communications terminal over the television system," as recited in claim 1.

B. Claim 25

Claim 25, as amended, recites:

> A system for delivery of multimedia messages, comprising:
> a multimedia messaging server; and
> multiple application servers in which each server generates message content and a database of predefined message configurations,
> ***wherein each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message content and a message configuration expression, wherein the multiple application server and the multimedia messaging server are located in the headend.***
>
> (Emphasis Added)

i. *Matthews* fails to teach the element of sending the message configuration from the multiple application servers to a multimedia messaging server in which the multiple application servers and the multimedia messaging server are located in the headend

In fact, *Matthews* apparently discloses multiple service and application servers 202 a-b, which each server appears to provide its message to the view station 16 via network 14. *Matthews* in col. 7, lines 25-56 states as follows:

"Servers 202 may include, for example, service and application servers 202a and continuous media servers 202b. Service and application servers 202a process interactive service requests from subscribers and provide services and applications associated with operation of IT system 10. Service and application servers 202a may be dedicated to particular applications such as message transmission, an electronic programming guide for viewers, network security, monitoring, object storage, financial transactions, data access, and other administration functions. An operator at central control node 12 can control message content and recipients through a terminal or console associated with the applicable server 202a, including selectively accessing audio or video components (e.g., from a server 202b)."

Consequently, the Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest the step of "sending the message configuration from the multiple application servers to a multimedia messaging server, wherein the multiple application servers and the multimedia messaging server are located in the headend", as recited in claim 1.

ii. *Hendricks* does not disclose having multiple server sending the message configuration from the multiple application server to a multimedia messaging server in which the servers are located at a headend

In fact, *Hendricks* discloses in Fig. 3 in which the *Hendricks* cable television program delivery system 200 appears to include an operation center 202 and cable headend 208 and set-top terminal 220. *Hendricks* apparently discloses in Column 8, line 40 – Column 10, line 8 as follows:

> "After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives

and further processes the signals before they are relayed to each set top terminal 220. ...

As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Hendricks cable headend is further described in col. 8, lines 40-57 as follows:

"After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. Each cable headend site is generally equipped with multiple satellite receiver dishes. Each dish is capable of handling multiple transponder signals from a single satellite and sometimes from multiple satellites.

As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202."

Consequently, the Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest the step of "sending the message configuration from the multiple application servers to a multimedia messaging server, wherein the multiple application servers and the multimedia messaging server are located in the headend", as recited in claim 1.

iii. The combination *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 1.

Because *Matthews* and *Hendricks*, individually, fail to disclose, teach, or suggest the step of "sending the message configuration from the multiple application servers to a multimedia messaging server, wherein the multiple application servers and the multimedia messaging server are located in the headend", as recited in claim 1, the combination of *Matthews* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 1. Accordingly, a *prima facie* case of obviousness is not established regarding claim 1. For at least this reason, among others, the Applicants respectfully submit that claim 1 be allowed and the rejection be withdrawn.

iv. *Freeman* fails to disclose, teach, or suggest an application server that generates message content and a message configuration to deliver to a multimedia messaging server that generates a request based on the message content and the message configuration.

The Office Action admits that *Matthews* fails to disclose, teach, or suggest "a database of predefined message configurations accessible by the messaging server" (page 15 of the Office Action). In this regard, the Office Action refers to *Freeman* as teaching a database of predefined message configuration. However, the Office Action did not refer to *Freeman* as teaching an application server and a multimedia server as recited in claim 25. The Applicants respectfully submit that *Freeman* fails to disclose "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ...wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25. In fact, *Freeman* apparently discloses a system for delivering facsimile messages to electronic mail addresses as object files attached to or inserted within e-mail messages (Abstract). *Freeman* further discloses in the Abstract the following:

> The facsimile server device receives and demodulates the facsimile transmission and stores it as an object file in the native facsimile format. The facsimile server device then queries a subscriber database for translation of the dialed phone number to an e-mail address. The subscriber database query also provides a subscriber selected file format which the facsimile file is to be translated into prior to sending to the subscriber. The facsimile server device creates an e-mail message addressed to the e-mail address and translates the native facsimile object file to the format file specified by the subscriber database. The facsimile server device attaches the translated object file to the electronic mail message, or inserts it within, and sends the electronic mail message to the subscriber.

Further, the "subscriber selects a file translation format in accordance with a software application program which the subscriber uses" (Abstract). Consequently, the Applicants respectfully submit that *Freeman* fails to disclose, teach, or suggest the features of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ...wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25.

Consequently, *Freeman* fails to disclose each and every feature of the claim 25. Accordingly, for at least this reason, among others, the Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

v. The combination *Matthews, Freeman,* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 25.

Because *Matthews, Freeman,* and *Hendricks*, individually, fail to disclose, teach, or suggest the element of "each application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, ...wherein the multiple application server and the multimedia messaging server are located in the headend," as recited in claim 25, the combination *Matthews, Freeman,* and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 25. Accordingly, a *prima facie* case of obviousness is not established regarding claim 25. For at least this reason, among others, the Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

C. Claims 2-12, 14, 15, 17, 19, 22, 23, 26, and 27

Because independent claims 1 and 25 are allowable over the cited art of record, dependent claims 2-12, 14, 15, 17, 19, 22, 23, 26, and 27 are allowable as a matter of law for at least the reason that dependent claims 2-12, 14, 15, 17, 19, 22, 23, 26, and 27 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Accordingly, the Applicants respectfully request that the rejection to dependent claims 2-12, 14, 15, 17, 19, 22, 23, 26, and 27 be withdrawn for this reason alone, among others.

II. Response To Claim Rejections Under 35 U.S.C. §102

Claims 13, 16, 18, 20, 21, and 24 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Matthews*. The Applicants respectfully traverse this rejection for the reasons that follow.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 13

Claim 13, as amended, recites:

> A method for receiving customizable multimedia messages over a television system at a communications terminal for presentation to a user, comprising:
>
> configuring a plurality of different message requests with respective message content expressions and respective message configuration expressions;
>
> configuring a first type of expression to correspond to including in a message request a location reference to retrieve message information;
>
> configuring a second type of expression to correspond to including in a message request message information;
>
> receiving at a communications terminal from a multimedia messaging server a first message request including a first message content expression and a first message configuration expression;
>
> responsive to receiving the first message request, presenting a first message to a user according to the first message content expression and the first ~~a~~ message configuration expression;
>
> ***receiving at the communications terminal from the multimedia messaging server a second message request including a second message content expression and a second message configuration expression; and***
>
> ***responsive to receiving the second message request, presenting a second message to a user according to the second message content expression and the second message configuration expression, wherein the second message request includes at least one type of expression different than the type of expressions in the first message request.***

(Emphasis Added)

The Applicants respectfully submit that *Matthews* does not disclose and teach the elements of "receiving at the communications terminal from the multimedia messaging server a second message request including a second message content expression and a second message configuration expression; and responsive to receiving the second message request, presenting a second message to a user according to the second message content expression and the second message configuration expression, wherein the second message request includes at least one type of expression different than the type of expressions in the first message request," as recited in claim 13.

In fact, *Matthews* apparently discloses that "Process block 118 indicates that interactive station controller 20 of selected viewer station 16 identifies an application message signal, accepts it, and in response to it retrieves the corresponding message image format." (Emphasis Added, See *Matthews* in col. 6, lines 43-47). Consequently, the Applicants respectfully submit that the *Matthews* does not disclose or teach the elements of "receiving at the communications terminal from the multimedia messaging server a second message request including a second message content expression and a second message configuration expression; and responsive to receiving the second message request, presenting a second message to a user according to the second message content expression and the second message configuration expression, wherein the second message request includes at least one type of expression different than the type of expressions in the first message request," as recited in claim 13.

B. Claim 20

Claim 20, as amended, recites:

> A system for providing customizable multimedia messages over a television system to a communications terminal for presentation to a user, comprising:
>
> multiple application servers that generates at least one message configuration;
>
> ***a multimedia messaging server that receives at least one message configuration from multiple application servers*** and associates message content for presentation to a user according to the at least one message configuration, and generates a request according to the at least one message configuration, the request including the message content and a message configuration expression for delivery over a television system to a communications terminal associated with the user, wherein ***the multiple application server and the multimedia messaging server are located in the headend***; and
>
> a multimedia messaging client that receives the request and associates the message content and the message configuration for presentation of the message content according to the message configuration.
>
> (Emphasis Added)

As mentioned above with reference to claim 25, *Matthews* apparently discloses multiple service and application servers 202 a-b, which each server appears to provide its message to the

view station 16 via network 14. Consequently, the Applicants respectfully submit that *Matthews* fails to disclose, teach, or suggest the element of "a multimedia messaging server that receives at least one message configuration from multiple application servers ... the multiple application server and the multimedia messaging server are located in the headend", as recited in claim 20.

C. Claims 16, 18, 21, and 24

Because independent claims 13 and 20 are allowable over the cited art of record, dependent claims 16, 18, 21, and 24 are allowable as a matter of law for at least the reason that dependent 16, 18, 21, and 24 contain all features and elements of their respective independent base claims. *See, e.g., In re Fine*, supra. Accordingly, the Applicants respectfully request that the rejection to dependent claims 16, 18, 21, and 24 be withdrawn for this reason alone, among others.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, the Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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